IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20333 of 2004

Between:

Sri Padmanaieka Social and Cultural Association, Door No. 1-131/2, Edara, Agiripalli Mandalam, Krishna District, Rep. by its President Kotagiri Lingeswararao S/o Seshaiah, aged 65 years.

..... PETITIONER

AND

1. The Superintendent of Police,Krishna at Machilipatnam, Krishna District.
2. The Deputy Superintendent of Police, (Sub Divisional Police Officer), Nuzvid, Krishna District.
3. The Inspector of Police, Hanuman Junction, Bapulapadu Mandalam, Krishna District.
4. The Station House Officer, Agiripalli Police Station, Agiripalli Mandalam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ Order or direction directing the respondents not to interfere with the lawful activities of the petitioner association in the Cards Room within the premises of the petitioner association and to inspect if necessary, only in the presence of a responsible public officer.

Counsel for the Petitioner:MR.G.VIVEKANAND

Counsel for the Respondent Nos.1 to 4: GP FOR HOME

The Court at the admission stage made the following :

ORDER:

In the writ petition the petitioner is seeking a writ of Mandamus directing the respondents not to interfere with the lawful activities of the petitioner association in the cards room within the premises of the petitioner association.

Heard both sides.

It has been represented by the learned counsel for the petitioner and also by the learned Government Pleader for Home that the issue involved in this writ petition is squarely covered by a Judgment of Division Bench of this Court in Writ Appeal No.1167 of 2002, dated 29.07.2002, wherein it is held as follows:

> "Therefore, the police authorities cannot obstruct the writ petitioner-club from conducting card room where the members and guests of the writ petitioner's cultural center are allowed to play the game of rummy with stakes syndicate (thirteen card game). At the same time, we make it clear that the police is always at liberty to enter the premises and check as to whether the cultural center of the club is conducting card room where the members and guests of the petitioner's cultural center are playing the game of rummy with stakes/syndicate (thirteen card game), for the purpose of verification. If they receive any intimation, the police may enter the club and verify the same and proceed further if the members and guests of writ petitioner's cultural center play other than the game of rummy with stakes syndicate (thirteen card game). The police authorities are also at liberty to proceed with the cases, which are already registered. The Writ Appeal is disposed of accordingly."

Following the same and for the reasons mentioned therein, the writ petition is disposed of in terms of the above decision of the Division Bench. However, it is made clear that the respondents are at liberty to take appropriate action against the members of the petitioner-Association if they promote any illegal activity at the premises of the petitioner-Association. No costs.

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05.11.2004

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To

1. The Superintendent of Police,Krishna at Machilipatnam, Krishna District.
2. The Deputy Superintendent of Police, (Sub Divisional Police Officer), Nuzvid, Krishna District.
3. The Inspector of Police, Hanuman Junction, Bapulapadu Mandalam, Krishna District.
4. The Station House Officer, Agiripalli Police Station, Agiripalli Mandalam, Krishna District.

5. 2CCs to the G.P for Home, High Court Buildings, Hyderabad (OUT).

6. 2CD copies.